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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re ELIZA P.,

a Person Coming Under the Juvenile
Court Law.

B186438

(Los Angeles County
Super. Ct. No. TJ14930)

THE PEOPLE,

Plaintiff and Respondent,

v.

ELIZA P.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Charles Q. Clay, III, Judge. Affirmed as modified.

California Appellate Project, Jonathan B. Steiner, Executive Director, and Ronnie Duberstein, Staff Attorney, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Eliza P. appeals from an order declaring her a ward of the juvenile court pursuant to Welfare and Institutions Code section 602. The order followed a finding Eliza committed felony assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)) and misdemeanor battery (*id.*, § 242). The crimes occurred during a fight at school, in which Eliza participated. The court placed Eliza home on probation.

We appointed counsel to represent appellant on this appeal. After examination of the record, counsel filed an opening brief in which no issues were raised, inviting us to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On January 31, 2006, we advised appellant that she had 30 days within which to submit personally any contentions or issues which she wished us to consider. No response has been received.

We have examined the record independently and found one issue of merit. The juvenile court ordered that Eliza not be confined for a period longer than four years, two months, presumably four years for the felony assault and two months for the misdemeanor battery. Welfare and Institutions Code section 726, subdivision (c), provides that a minor removed from parental custody pursuant to Welfare and Institutions Code section 602 “may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.”

An adult’s term of imprisonment is subject to Penal Code section 654, which prohibits multiple punishment for a single act or indivisible course of conduct. (*People v. Coleman* (1989) 48 Cal.3d 112, 162.) Inasmuch as both the assault and battery arose out of the same course of conduct and involved the same victim, Penal Code section 654 would preclude imposition of punishment of an adult for both offenses. The maximum sentence an adult could receive would be the four-year term of imprisonment for the assault.

Eliza’s maximum period of confinement therefore is four years. (Welf. & Inst. Code, § 726, subd. (c)). We modify the order accordingly.

The order is modified to provide a maximum period of imprisonment of four years. As so modified, it is affirmed.

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SPENCER, P. J.

We concur:

VOGEL, J.

MALLANO, J.